

December 16, 1997

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL.**

**SUBJECT:** Department of Development and Environmental Services File No. **L97P0009**

**WILLIAMSBURG ESTATES**  
Preliminary Plat Application

**Location:** Between SE 223rd Street and SE 225th Street, approximately 210 feet  
west of 116th Avenue SE

**Applicant:** Mel Taylor  
2115 SW 174th Street  
Seattle, WA 98166

**SUMMARY OF RECOMMENDATIONS AND DECISION:**

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions (modified)
Examiner's Decision:	Approve, subject to conditions (modified)

**PRELIMINARY MATTERS:**

Application or petition submitted:	April 8, 1997
Notice of complete application:	April 8, 1997

**EXAMINER PROCEEDINGS:**

Hearing Opened:	December 9, 1997
Hearing Closed:	December 9, 1997

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

## ISSUES ADDRESSED:

- Plat alteration
- Traffic mitigation – certificate of concurrency
- Pedestrian circulation
- Recreation space – fee-in-lieu
- Density
- Traffic safety

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

## FINDINGS:

## 1. General Information:

Owner/Developer:	Mel Taylor 2115 SW 174th Street Seattle, WA 98166
Engineer:	dmp, inc. 1215 Central Avenue South #133 Kent, WA 98032
Location:	Between SE 223rd Street and SE 225th Street, approximately 210 feet west of 116th Avenue SE
STR:	NE, NE, Sec 17, Twn 22N, R5E
Zoning:	R6P
Acreage:	5.13 acres
Number of Lots:	31
Density:	6 units per acre
Typical Lot Size:	3,500 square feet
Proposed Use:	Single-family detached homes
Sewage Disposal:	City of Kent
Water Supply:	Soos Creek Water
Fire District:	Fire District 37
School District:	Kent School District No. 415
Complete Application Date:	April 8, 1997

2. Except as modified below, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the December 9, 1997 public hearing (Exhibit No. 2) are found to be correct and are incorporated herein by this reference.
3. The property adjacent to the south of the proposed subdivision is platted as the plat of Stockton, recorded in Volume 97, pages 72-73, records of King County. The proposal would convert Lot

No. 69 of the plat of Stockton, currently platted as a residential lot, to public right-of-way and open space. This modification would constitute an alteration of the recorded plat of Stockton. The alteration of recorded subdivisions is governed by King County Code Chapter 19.39. Specific procedures for the alteration of recorded subdivisions include requirement for submission of an application and mailing the notice of the proposed alteration to the owners of each lot or parcel within the total subdivision to be altered.

The applicant has not submitted an application for plat alteration, and no notice of the proposed alteration has been provided to the owners of lots within the plat of Stockton.

4. The certificate of transportation concurrency submitted with the application was issued in response to an application for proposed multi-family residential use of the subject property. The certificate was issued for 31 multi-family dwelling units.
5. The applicant no longer proposes to establish a recreation area within the subdivision, but would prefer to pay a fee in lieu thereof. King County Code Section 21A.14.180 requires on-site recreation area of 390 square feet per lot for residential subdivisions developed at a density of eight units or less per acre in the R zone classification. Acceptance of a fee-in-lieu of on-site recreation space is discretionary with King County, and may be permitted if proposed on-site recreation space does not meet the criteria of Chapter 21A.14 of the King County Code, or the recreation space provided within a County park in the vicinity will be of greater benefit to the prospective residents of the development. The determination whether a fee-in-lieu of on-site recreation space shall be accepted is made by the King County Parks Department.
6. There is an existing easement from the northeast corner of the subject property to 116th Avenue SE. This easement is for ingress, egress, and utilities, and is presently paved with asphalt suitable for driveway or pedestrian use. Vehicular access from the subject property using this easement would be inconsistent with King County Road Standards. However, use of this easement for pedestrian access directly to 116th Avenue SE would provide residents of the proposed subdivision with direct access to a Metro bus route and school bus stop at 116th Avenue SE and SE 225th Street.

Establishment of a pedestrian connection between the east terminus of the proposed cul de sac road and the northeast corner of the plat would allow pedestrian and bicycle traffic to move directly from the internal street system to 116th Avenue SE. This would provide greater mobility within the neighborhood and help promote transit use. This connection would be consistent with the local circulation policies of the Soos Creek Community Plan. SCCP page 67 and Policy T-11.

7. The density proposed for the development of the subject property is consistent with the King County Comprehensive Plan and King County Zoning Code, and the classification of the subject property as R6P. Minimum and maximum densities and minimum lot width and setback requirements are set forth in KCC 21A.12.030. In the R6 zone, the maximum density permitted is nine dwelling units per acre. Minimum lot width is 30 feet, and minimum setback requirements are 10 feet from the street and five feet from interior lot lines. The final plat will be reviewed to assure compliance with all of the foregoing requirements.
8. The speed of traffic, existing and future, on SE 225th Street and SE 224th Place, is not within the control of the applicant. The King County Department of Transportation and King County

Department of Public Safety may take action to reduce traffic speeds when warranted. The concerns of existing residents in the area should be communicated to those agencies.

CONCLUSIONS:

1. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Soos Creek Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.
5. The King County Code requires a separate application for plat alteration in order to modify the plat of Stockton to alter the use of Lot No. 69, changing that use from a residential lot to a public right-of-way and open space. Approval of the proposed plat of Williamsburg Estates, utilizing Lot No. 69 of Stockton as an access, is dependent upon the prior approval of an alteration of the plat of Stockton in the manner set forth by Chapter 19.39 of the King County Code.
6. A certificate of concurrency for traffic to be generated by this proposal is required from the King County Department of Transportation. A certificate issued for a 31-dwelling unit multiple residential development is insufficient for approval of a 31-dwelling unit single-family development.
7. The proposed development is required to provide recreational area equivalent to 390 square feet for each approved residential lot, unless a fee-in-lieu thereof is approved by King County Department of Parks. The Department of Parks may make this determination administratively as part of the review of the final plat.
8. In order to comply with policies of the Soos Creek Community Plan concerning pedestrian and bicycle circulation, to facilitate the use of public transit, and to enhance the safety of pedestrians traveling from the development to the school bus stop at 116th Avenue SE, a pedestrian/bicycle trail extension should be constructed from the east terminus of the cul de sac to connect with the paved easement between the northeast corner of the subject property and 116th Avenue SE.
9. The proposed subdivision, as revised and received August 29, 1997, is consistent with the density requirements of the King County Zoning Code, and meets the minimum lot width requirements for the R6 zone classification.

DECISION:

APPROVE the proposed preliminary plat of WILLIAMSBURG ESTATES, as revised and received August 29, 1997, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS), except for variances granted by the King County Road Engineer.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code. Requirements shall apply to all plats.
  - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and

- approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
8. The majority of the existing site drainage flows to the west and northwest, leaving the site at the northwest corner. A small portion of the site may flow to the southwest (see Level 2 offsite analysis dated August 20, 1997). The following is required for submittal at engineering plan review to more accurately determine the drainage design:
    - a. A detailed predeveloped onsite basin study to determine the existing drainage patterns.
    - b. A Level 3 offsite analysis to accurately determine the limiting capacity of the downstream conveyance system.
    - c. The postdeveloped drainage design shall include overdetention to the downstream limiting capacity design storm (up to the 100-year, 24-hour storm) or other method as approved by DDES.
    - d. An 18 inch existing culvert approximately 180 feet northwest of the site is severely obstructed. Notes shall be included on the engineering plans to clean this culvert. Permission from the property owner is required to clean the pipe.
  9. Provisions shall be shown on the engineering plans along the west property line to prevent increased flooding of the adjoining lots. (Lots 74 and 75 of Stockton). The conceptual drainage plan received October 29, 1997 shows a proposed berm along this property line.
  10. The access road shall be constructed according to the 1993 King County Road Standards and to the urban subaccess road standard.

The sections of the access road through Tracts A, B, and C shall be evaluated for compliance with Section 4.02 K.C.R.S. Requirements for Residential Streets on Poor Subgrade. Special road design sections shall be shown on the engineering plans.
  11. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
  12. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
  13. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final

approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

14. All lots shall have undivided ownership of Tracts A and B and be responsible for there maintenance. A note to this effect shall be placed on the engineering plans and final plat.
15. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
16. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE  
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

17. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.), unless a fee-in-lieu of recreation space is approved by the King County Department of Parks and paid by the applicant at the time of recording. If on-site recreation space is provided,
  - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
  - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and

approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.

- c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
- 18. If on-site recreation space is provided, a homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and/or open space area(s).
- 19. The development shall comply with the Clearing and Grading restrictions of the Soos Creek Community Plan SCP-P3.
- 20. The development shall comply with the Significant Tree Retention Policy R-33 of the Soos Creek Community Plan SCP-P7.
- 21. A pedestrian/bicycle trail shall be established to connect the internal sidewalk and cul de sac to the northeast corner of the subject property, to provide for pedestrian/bicycle access to the existing easement which connects with 116th Avenue SE. Details shall be worked out with the Land Use Services Division.
- 22. A plat alteration which authorizes the use of Lot No. 69 of the plat of Stockton for access to the subdivision of Williamsburg Estates shall be approved in accordance with the procedures of King County Code Chapter 19.39 prior to recording of the final plat.
- 23. A certificate of concurrency for traffic generated by the proposed subdivision shall be issued by the King County Department of Transportation. This certificate may be a modification of Certificate No. 0380, previously issued for a multi-family residential development on the subject property.

ORDERED this 16th day of December, 1997.

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James N. O'Connor  
King County Hearing Examiner

TRANSMITTED this 16th day of December, 1997, to the parties and interested persons shown on the attached list.

### **NOTICE OF RIGHT TO APPEAL**

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or**



**before December 30, 1997.** If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before January 6, 1998.** Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

JAMES N. O'CONNOR was the Hearing Examiner in this matter. Participating at the hearing were Gary Kohler and Bruce Whittaker, representing the County, Mel Daley, Mel Taylor and Michele Conklin.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L97P0009
- Exhibit No. 2 Department of Development and Environmental Services Preliminary Report dated December 9, 1997
- Exhibit No. 3 Application dated March 11, 1997
- Exhibit No. 4 Environmental Checklist dated March 11, 1997
- Exhibit No. 5 Declaration of Non-significance dated November 4, 1997
- Exhibit No. 6 Affidavit of Posting indicating November 6, 1997, as date of posting and November 12, 1997, as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Revised site plan dated August 29, 1997
- Exhibit No. 8 Land Use Maps 619E, 614E, 642W & 615W
- Exhibit No. 9 Assessors maps (4) NE 17-22-5, SE 8-22-5, NW16-22-5, and SW 9-22-5
- Exhibit No. 10 Traffic study dated May 15, 1997
- Exhibit No. 11 Level 2 off-site drainage analysis
- Exhibit No. 12 Wetland Assessment August 29, 1997
- Exhibit No. 13 Revised Conceptual Drainage Plan dated August 29, 1997

JNOC:gb  
Attachment  
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